modation, in the absence of other facts, he is not only authorized to fill in the blanks so as to make the instrument available for the purpose for which it was entrusted, but has the additional right, inasmuch as the filling in is of no effect until delivery, to change what he has already inserted so that the instrument may conform to that purpose. *Douglass* v. *Scott & Fry* (1837) 35 Va. 43. In the principal case the insertion of the words "or bearer" was certainly made in order to secure the sale of the note, which was the purpose contemplated by the defendants. The fact that the instrument contained the words "or order" can hardly be considered inconsistent with an authority to make the instrument payable to bearer, *cf.* Neg. Inst. Law § 9 (3), and the circumstances, on the whole, seem to justify the inference that the maker was actually authorized to complete the note as he did.

CONSTITUTIONAL LAW—APPROPRIATIONS TO SECTARIAN SCHOOLS.—The plaintiffs brought a bill to enjoin the payment of county funds to certain Catholic institutions for the maintenance of dependent children committed thereto by statutory provision. Children of various faiths were sent to these institutions. The Catholic catechism was taught to all, but only Catholic children were required to attend the Catholic chapel. *Held,* since the proposed payment was less than the actual cost of maintaining the children, it would not be a violation of a constitutional prohibition against payments of public funds "in aid of any church or sectarian purpose". *Trost* v. *Ketteler Manual Training School* (Ill. 1918) 118 N. E. 743.

Most state constitutions provide in substance that no public funds shall be appropriated in aid of any sectarian purpose or institution. Ill. Constitution, Art. VIII, § 3; Mont. Constitution, Art. V, § 35; Index Dig. of State Constitutions Prepared for the N. Y. State Constitutional Convention Commission (1915) 585-6, 1253-5. As a general rule, sectarian instruction or exercises in a public school will make it sectarian within the meaning of such provisions. *State ex rel. Weiss* v. *District Board* (1890) 76 Wis. 177, 44 N. W. 967; *Hysong* v. *Gallitzin Borough* (1894) 164 Pa. 652, 30 Atl. 480. As to what constitutes sectarian instruction there is a diversity of opinion. By the great weight of authority, reading the Bible in a public school without comment is not sectarian instruction. *Stevenson* v. *Hanyon* (1898) 7 Pa. Distr. R. 585; *Church* v. *Bullock* (Tex. Sup. Ct. 1908) 109 S. W. 115; *contra, State ex rel. Weiss* v. *District Board, supra*; *People ex rel. Ring* v. *Board of Education* (1910) 245 Ill. 334, 92 N. E. 251. On the same principle, appropriations of public funds for the support of privately managed reform or industrial schools or orphan asylums in which sectarian instruction is given have been held invalid. *County of Cook* v. *Chicago Industrial School* (1888) 125 Ill. 540, 18 N. E. 183; *State ex rel. Nevada Orphan Asylum* v. *Hallock* (1882) 16 Nev. 373. In the instant case, the question arises whether an appropriation of less than the actual cost of maintaining the inmates constitutes "aid" or support within the meaning of the constitutional prohibition. It has been held that any appropriation, regardless of the amount or the rendition of services therefor, is an "aid" to such a school. *County of Cook* v. *Chicago Industrial School, supra*; *State ex rel. Nevada Orphan Asylum* v. *Hallock, supra,* and a literal interpretation would seem to sustain such a result. But the Illinois courts, influenced doubtless by the fact that these institutions are performing a duty which the state would otherwise have to perform at a greater

expense, have held that appropriations to such schools of less than the actual cost of maintaining the children are not prohibited even though the school is controlled by a church, *Dunn* v. *Addison Manual Training School* (1907) 281 Ill. 352, 117 N. E. 993, and sectarian instruction is given therein. *Dunn* v. *Chicago Industrial School* (1917) 280 Ill. 613, 117 N. E. 735.

CONSTITUTIONAL LAW—INVALID CLAIMS AGAINST COUNTIES—CURATIVE LEGISLATION.—A Pennsylvania statute provided that whenever any county had heretofore entered into a contract for the construction of a public highway, bridge, or tunnel, and was unable to pay for the work done because of the unconstitutionality of the legislative act purporting to authorize it, the court should be valid and binding upon the county, to the extent to which such work had been completed prior to the date on which the act was declared unconstitutional. The statute was attacked as authorizing a loan or donation of the country's money to a corporation or individual, and as a legislative assumption of judicial powers. *Held,* it was constitutional. *Kennedy* v. *Meyer* (Pa. 1918) 103 Atl. 44.

It is well settled that, when a county or municipality has received benefits under a contract unenforceable against it because made in excess of its authority or in non-compliance with the provisions of a controlling statute, the legislature, if it could originally have authorized the transaction, may by curative legislation validate the claim arising therefrom. *Mayor* v. *Tenth Nat'l Bank* (1888) 111 N. Y. 446, 18 N. E. 618: 4 McQuillin, Mun. Corp. § 1894. Such legislation is not an invasion of the judicial prerogative for it concedes the unenforceability of the obligation declared invalid by the courts, as contracted without legislative authorization, and merely supplies the sanction necessary to validate it. *Steele County* v. *Erskine* (C. C. A. 1899) 98 Fed. 215. It does not contemplate a gratuitous disposition of the public funds, and hence is not violative of a constitutional provision prohibiting the legislature from authorizing the gift or loan of money by a county to an individual or corporation. The satisfaction of the moral obligation resting upon the county or municipality because of the benefit it has received under the contract cannot be called a gratuity, for that would presuppose the absence of any claim, legal or moral. *Steele County* v. *Erskine, supra*; *contra, Conlin* v. *Board of Supervisors* (1893) 99 Cal. 17, 33 Pac. 753. The curative act need not correct the errors of the prior act, *New Orleans* v. *Clark* (1877) 95 U. S. 644; see *Marion Water Co.* v. *City of Marion* (1903) 121 Iowa 306, 96 N. W. 883, nor need the other party to the contract proceed further to perform under a new and valid authorization. *Wrought-Iron Bridge Co.* v. *Town of Attica* (1890) 119 N. Y. 204, 23 N. E. 542. The principal case is distinguishable from those cited in that the original claim was unenforceable, not because it was *ultra vires* on the part of the county, but because the statute purporting to authorize it was unconstitutional, its title having failed to express the legislative purpose. The principle involved is, however, identical: if the legislature had power originally to authorize the transaction out of which the claim arose, its ratification is sufficient to render enforceable an obligation that was imperfect only because incurred without such sanction. *Cf. Donley* v. *City of Pittsburgh* (1892) 147 Pa. 348, 23 Atl. 394.